

2396

2013-2014 Regular Sessions

I N   S E N A T E

January 17, 2013

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to the composition of the board of the Niagara Frontier transportation authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 1299-c of the public authorities  
2 law, as amended by chapter 220 of the laws of 2012 and paragraph (c) as  
3 amended by chapter 176 of the laws of 2012, is amended to read as  
4 follows:  
5     1. (a) There is hereby created the "Niagara Frontier transportation  
6 authority." The authority shall be a body corporate and politic consti-  
7 tuting a public benefit corporation. The authority shall consist of a  
8 chairman, [ten] TWELVE other members and shall have [two] ONE non-voting  
9 [members] MEMBER as described in [paragraphs (b) and (c)] PARAGRAPH (B)  
10 of this subdivision appointed by the governor by and with the advice and  
11 consent of the senate. The chairman and all members shall be residents  
12 of the district. Of the [ten] TWELVE members other than the chairman,  
13 one shall be appointed upon the written recommendation of the Erie coun-  
14 ty executive [and], one shall be appointed upon the written recommenda-  
15 tion of the Erie county legislature, AND TWO SHALL BE APPOINTED AS  
16 REPRESENTATIVES OF THE TRANSIT DEPENDENT COMMUNITY AND/OR PEOPLE WITH  
17 DISABILITIES AS DESCRIBED IN PARAGRAPH (C) OF THIS SUBDIVISION. The  
18 chairman and each of the members shall be appointed for a term of eight  
19 years, provided however, that the chairman first appointed shall serve  
20 for a term ending June thirtieth, nineteen hundred seventy-three, and of  
21 the eight other members first appointed, one shall serve for a term  
22 ending June thirtieth, nineteen hundred sixty-eight, two shall serve for  
23 a term ending June thirtieth, nineteen hundred sixty-nine, one shall  
24 serve for a term ending June thirtieth, nineteen hundred seventy, two  
25 shall serve for a term ending June thirtieth, nineteen hundred seventy-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 one, one shall serve for a term ending June thirtieth, nineteen hundred  
2 seventy-two and one shall serve for a term ending June thirtieth, nine-  
3 teen hundred seventy-three. The term of one of the members appointed to  
4 memberships first created by law after April first, nineteen hundred  
5 sixty-nine shall end on June thirtieth, nineteen hundred seventy-four,  
6 and the term of the other such member shall end on June thirtieth, nine-  
7 teen hundred seventy-five. Following the expiration of any term ending  
8 on or after June thirtieth, nineteen hundred eighty-seven, each member  
9 shall be appointed for a term of five years beginning on the day after  
10 the expiration date of such prior term; provided, however, that the term  
11 of the member first appointed upon the written recommendation of the  
12 Erie county executive and the term of the member first appointed upon  
13 the written recommendation of the Erie county legislature shall be for a  
14 term ending on June thirtieth, nineteen hundred ninety-six.

15 (b) The [first] non-voting member of the authority who shall not be  
16 considered in determining a quorum, shall be recommended to the governor  
17 by the labor organization representing the plurality of the employees  
18 within the authority and shall be a resident of the Niagara Frontier  
19 transportation district as described in section twelve hundred ninety-  
20 nine-b of this title. Such [first] non-voting member shall be appointed  
21 for a term of eight years, provided, however, that if at any time during  
22 the term of appointment such non-voting member ceases to be affiliated  
23 with the labor organization representing the plurality of employees  
24 within the authority, then such labor organization may at any time  
25 during such term recommend a new member to the governor who shall serve  
26 the remainder of the term. If the local bargaining unit decertifies its  
27 existing union affiliation and certifies a new union, the union which  
28 represents the plurality of the employees may recommend a new member to  
29 the governor who shall serve the remainder of the term. The chairman of  
30 the authority, at his or her discretion, may exclude such non-voting  
31 member from attending any portion of a meeting of the authority or of  
32 any committee held for the purpose of discussing negotiations with labor  
33 organizations, pending litigation involving the labor organization, or  
34 the investigation, evaluation, or discipline of an employee.

35 (c) There shall [also] be [a second non-voting member] TWO MEMBERS of  
36 the authority[, who shall not be considered in determining a quorum. The  
37 second non-voting member shall be] appointed by the governor as [a  
38 representative] REPRESENTATIVES of the transit dependent community  
39 and/or people with disabilities. The [second non-voting member] MEMBERS  
40 shall be appointed for a term of five years.

41 S 2. This act shall take effect on the one hundred eightieth day after  
42 it shall have become a law.